

## Message Text

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INFO OCT-01 ADP-00 AEC-11 AF-10 ARA-16 CIAE-00 DODE-00

EA-11 EUR-25 PM-07 H-03 INR-10 IO-13 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 PA-03 PRS-01 RSC-01

SCI-06 SS-15 MBFR-03 USIA-15 SAJ-01 RSR-01 /203 W

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R 211850Z AUG 73

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INFO AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: PARM-CA, JA

SUBJ: CCD:623RD PELENARY MEETING, AUGUST 21, 1973

REFS: GENEVA 4436, 4382

FOLOWING CABLE POUCHED TO FOLLOWING:

ADDIS ABABA, ANKARA, ATHENS, BELGRADE, BRASILIA, BRUSSELS, BUDAPEST

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1. SUMMARY: NISIBORI (JAPAN) TABLED WORKING PAPER

CONTAINING OUTLINE OF MAIN POINTS TO BE INCLUDED IN

CW TREATY DOCUMENTS WHICH HAD EARLIER BEEN DISCUSSED WITH

US AND WITH WESTERN GROUP (REFTELS). IN INTRODUCING PAPER

NISIBORI MADE IT CLEAR THAT WHILE FORMAT OF JAPANESE SUGGESTION CALLED FOR COMPREHENSIVE CW TREATY HE WAS PROPOSING PARTIAL BAN COVERING DEVELOPMENT AND PRODUCTION ACTIVITIES. IN REGARD TO AGENTS TO BE INCLUDED IN PARTIAL BAN, NISIBORI SUGGESTED CCD SHOULD FIRST BAN SUPER TOXICS WHICH EASILY DEFINABLE; HOWEVER, HE LEFT OPEN POSSIBILITY INCLUDING LESS TOXIC AGENTS IN BAN. (FULL TEXT INTERVENTION BY SEPTTEL, NOTAL). NISIBORI EMPHASIZED THAT DETERRENT STOCKPILES EXCLUDED FROM PROHIBITIONS BECAUSE OF VERIFICATION PROBLEMS. JAPANESE PAPER CALLS FOR COMBINATION NATIONAL VERIFICATION MEASURES AND INTERNATIONAL VERIFICATION BY INTERNATIONAL VERIFICATION ORGANIZATION. LATTER COULD REQUEST INSPECTION IN CASES WHERE NATIONAL VERIFICATION AND REQUESTS FOR EXPLANATION HAD NOT SATISFIED STATES PARTIES AS TO COMPLIANCE WITH TREATY OBLIGATIONS. NISIBORI SUGGESTED INTERNATIONAL VERIFICATION ORGANIZATION MIGHT INCLUDE VERIFICATION COMMITTEE COMPOSED OF STATES PARTIES MEMBERS OF CCD. IF COMMITTEE MEMBERS ENGAGED DIRECTLY IN VERIFICATION THEY WOULD BE ABLE JUDGE WHETHER VERIFICATION PROVISIONS OF TREATY EFFECTIVE AND WHETHER FURTHER PROGRESS COULD BE MADE TOWARD COMPREHENSIVE BAN ON CW AGENTS AND ACTIVITIES. BARTON (CANADA) TABLED TECHNICAL PAPER ON PROBLEM OF DEFINING CHEMICAL SUBSTANCES IN TREATY PROHIBITING DEVELOPMENT, PRODUCTION AND STOCKPILING OF CW. PAPER SUGGESTS IT MAY BE NECESSARY COMBINE GENERAL PURPOSE DEFINITION WITH TECHNICAL DEFINITION BASED ON LETHALITY AND FORMULAE. PAPER ALSO SUGGESTS BINARIES MIGHT BE SUBJECT GENERAL PURPOSE DEFINITION OR OF PROHIBITION AGAINST FILLING OF MUNITIONS. END SUMMARY

2. AMB NISIBORI (JAPAN) TODAY TABLED JAPANESE WORKING PAPER (CCD/413) CONTAINING OUTLINE OF MAIN POINTS TO BE INCLUDED IN CW TREATY DOCUMENTS. WORKING PAPER AS TABLED ESSENTIALLY SAME AS THAT PRESENTED TO WESTERN GROUP ON AUG 17 (GENEVA 4436 AND 4382 NOTAL). WORKING PAPER OUTLINES A TREATY FOR A COMPREHENSIVE CW BAN BUT WOULD INCLUDE A LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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SUPPLEMENTARY DOCUMENT ON SCOPE. LATTER, WHICH WOULD BE OF EQUAL STATUS WITH TREATY, WOULD LIMIT OPERATIVE SCOPE AND OBLIGATIONS TO DEVELOPMENT AND PRODUCTION OF CW AGENTS. SPECIFIC AGENTS TO BE BANNED WOULD BE LISTED IN SUPPLEMENTARY DOCUMENT ON BASIS SUCH CRITERIA AS TOXICITY, STRUCTURAL FORMULAE, ETC.

3. IN INTRODUCING PAPER TO CCD, NISIBORI CITED SUGGESTIONS OF HIS AND OTHER DELS THAT IT MIGHT BE DESIREALBE TO BEGIN RESTRICTIONS ON CW WITH PARTIAL STEP. HE WENT ON TO SAY THAT JAPANESE FORMAT OF COMPREHENSIVE AGREEMENT AND SUPPLEMENTARY DOCUMENT WOULD CLARIFY "THE ULTIMATE AIM TO BE ACHIEVED WHEN TIME COMES" WHILE EXCLUDING PROHIBITIONS

"WHICH (ARE) DEEMED NOT PROPER OR (ARE) DIFFICULT TO CARRY OUT UNDER PRESENT CIRCUMSTANCES."

4. IN DISCUSSING AGENTS TO BE BANNED, NISIBORI, WHILE AGREEING WITH THOUGHT OF EARLIER WORKING PAPER OF NON-ALIGNED NATIONS THAT EVEN LESS TOXIC AGENTS COULD BE OF GREAT DANGER TO UNPROTECTED POPULATION, STATED THAT CCD SHOULD "AGREE FIRST ON BANNING SUPER TOXIC AGENTS ON WHICH AGREEMENT OF DEFINITION CAN BE OBTAINED WITH COMPARATIVE EASE, AND THEN PROCEED TO EXPAND THE SCOPE OF PROHIBITIONS". HE ALSO NOTED, HOWEVER, THAT WORKING PAPER DID NOT MAKE SPECIFIC SUGGESTIONS ON WHICH CHEMICAL AGENTS SHOULD BE PROHIBITED, OR WHAT CRITERIA SHOULD BE ADOPTED FOR DETERMINING AGENTS TO BE PROHIBITED PENDING FURTHER CONSIDERATION IN CCD, THUS LEAVING OPEN POSSIBILITY OF INCLUSION LESS TOXIC AGENTS.

5. CITING REMARKS OF AMB MARTIN (US) THAT A STATE CAN NOT BE EXPECTED TO RELINQUISH ITS STOCKPILE CW DETERRENT UNLESS IT ADEQUATELY ASSURED THAT OTHER STATES HAD SIMILARLY AND CONCURRENTLY RELINQUISHED THEIR CW CAPABILITIES, NISIBORI EMPHASIZED THAT STOCKPILING SHOULD BE EXCLUDED FROM PARTIAL PROHIBITIONS BECAUSE OF VERIFICATION PROBLEMS AND THE NEED TO OBTAIN AN EARLY AGREEMENT ON A CW TREATY. SINCE JAPANESE PROPOSAL DID NOT INCLUDE OBLIGATORY ON-SITE INSPECTION, HE CONTINUED, IT WOULD BE "PRECIPITATE" TO DENY A STATE ITS CW DETERRENT CAPABILITY BEFORE THE EFFECTIVENESS OF CW VERIFICATION SYSTEM IS CONFIRMED BY EXPERIENCE. NISIBORI THEN NOTED NON-ALIGNED VIEW THAT A PARTIAL CW AGREEMENT LIMITED OFFICIAL USE  
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WOULD BE DISCRIMINATORY, AND QUOTED REMARKS MADE BY MARTIN (US), ON JULY 3, EXPRESSING CONSIDERATIONS AS TO WHY A PARTIAL APPROACH NEED NOT BE VIEWED AS DISCRIMINATORY AGAINST COUNTRIES THAT HAD NOT PRODUCED CHEMICAL WEAPONS. NISIBORI ADDED THAT IT WAS LOGICAL TO EXPECT THAT STOCKPILES COULD BE DESTROYED WHEN TREATY VERIFICATION PROVISIONS HAD PROVED TO HAVE, IN MARTIN'S WORDS, "A VERY HIGH DEGREE OF CONFIDENCE AND PROTECTION".

6. TURNING TO VERIFICATION, NISIBORI POINTED OUT DIFFICULTIES OF INSISTING ON ON-SITE INSPECTION, INCLUDING COST AND POSSIBLE DISCLOSURE OF INDUSTRIAL SECRETS, AND SAID "ON-SITE INSPECTION NOT NECESSARILY REALISTIC". HOWEVER, HE ENDORSED STATEMENT OF AMB MARTIN THAT SUFFICIENTLY HIGH PROBABILITY OF DETECTION OF A VIOLATION IS NEEDED IN ORDER TO DETER ACTIONS CONTRARY TO AGREEMENT. HE THEN EXPLAINED NATIONAL SYSTEM OF VERIFICATION, STATING THAT STATES PARTIES SHOULD BE OBLIGED TO COOPERATE WITH AN INTERNATIONAL VERIFICATION ORGANIZATION, INCLUDING SUBMISSION OF REGULAR REPORTS TO EXTENT NECESSARY FOR COMPLIANCE.

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7. IN DISCUSSING INTERNATIONAL VERIFICATION ORGANIZATION, NISIBORI SAID INSPECTION WAS KEY FACTOR AND PROPOSED "INSPECTION BY COOPERATION" UNDER WHICH STATE WAS EXPECTED TO COOPERATE BY INVITING ON-SITE INSPECTIONS IF THERE DOUBT OF TREATY COMPLIANCE. NATIONAL VERIFICATION AND A REQUEST FOR EXPLANATION WOULD BE PREREQUISITES TO REQUEST TO CONDUCT INTERNATIONAL INSPECTION. HE ALSO SUGGESTED INTERNATIONAL VERIFICATION ORGANIZATION MIGHT HAVE OTHER FUNCTIONS SUCH AS REVIEW OF NEW CHEMICAL SUBSTANCES. NISIBORI SAID ORGANIZATION MIGHT BE COMPOSED OF A VERIFICATION COMMITTEE CONSISTING OF STATES PARTIES MEMBERS TO THE  
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CCD AND A SECRETARIAT. HE NOTED THAT IF COMMITTEE MEMBERS ENGAGED DIRECTLY IN VERIFICATION THEY WOULD BE ABLE TO JUDGE WHETHER VERIFICATION PROVISIONS OF TREATY WERE EFFECTIVE

AND WHETHER FURTHER PROGRESS COULD BE MADE TOWARD COMPREHENSIVE BAN ON CW AGENTS AND ACTIVITIES. FINALLY, RE WITHDRAWAL PROVISIONS, HE NOTED THAT THESE MIGHT HAVE TO BE DRAFTED IN WAY THAT CRITICISMS WOULD NOT BE DIRECTED AT COUNTRY WITHDRAWING BECAUSE IT IS NOT SATISFIED AFTER HAVING EXHAUSTED ALL VERIFICATION PROVISIONS OF TREATY.

8. BARTON (CANADA) TABLED TECHNICAL PAPER (CCD/414) ON PROBLEM OF DEFINING CHEMICAL SUBSTANCES IN A TREATY PROHIBITING DEVELOPMENT, PRODUCTION AND STOCKPILING OF CHEMICAL WEAPONS. HE MADE CLEAR, HOWEVER, THAT QUESTION OF SCOPE OF ACTIVITIES, AND POSSIBILITY OF PARTIAL AGREEMENT PROHIBITING ONLY PRODUCTION, SHOULD BE CONSIDERED IN LIGHT OF PROPOSED VERIFICATION SYSTEM AND OF ANY SECURITY CONCERNS ARISING OUT OF POSSIBLE INADEQUACIES OF THE VERIFICATION SYSTEM.

9. ON QUESTION OF WHICH CHEMICAL AGENTS OUGHT TO BE SUBJECT TO PROHIBITION, BARTON EXPRESSED SYMPATHY WITH CONCERNS OF MANY STATES LACKING ADEQUATE MEANS OF PROTECTION THAT PROHIBITIONS SHOULD BE WIDER IN SCOPE THAN SUPER-TOXIC AGENTS. TO ACCOMPLISH THIS, A GENERAL DEFINITION, BASED ON PURPOSE, WOULD NOT BE ADEQUATELY PRECISE. THERE IS NEED TO HAVE SPECIFIC DELINEATION BETWEEN SUPER TOXIC, SINGLE PURPOSE AGENTS, AND THOSE LESS TOXIC, LIKE DUAL PURPOSE WORLD WAR I AGENTS, WHICH ARE WIDELY USED IN INDUSTRY. SUCH DELINEATION COULD BE ACCOMPLISHED BY COMBINING A GENERAL PURPOSE DEFINITION WITH TECHNICAL DEFINITIONS BASED ON LETHALITY AND CHEMICAL FORMULAE. THERE MIGHT ALSO BE A SPECIFIC LOWER THRESHOLD, AT LEVEL OF TOXICITY OF CHLORINE, IN ORDER TO EXCLUDE RELATIVELY HARMLESS SUBSTANCES FROM SCOPE OF PROHIBITION. SINCE LESS TOXIC DUAL PURPOSE AGENTS HAVE WIDE INDUSTRIAL APPLICATION, WHICH WOULD HAVE TO BE ALLOWED FOR IN TREATY, PROHIBITIONS COULD APPLY TO FILLING THESE AGENTS IN MUNITIONS.

10. RE BINARY WEAPONS, SINCE THEIR PRECURSORS MIGHT HAVE LIMITED OFFICIAL USE  
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TOXICITY LESS THAN THAT OF THE LOWEST THRESHOLD OF CHEMICALS TO BE CONTROLLED, IT MIGHT BE NECESSARY, TO ACHIEVE PROHIBITION OF BINARIES, TO RELY ON A GENERAL PURPOSE DEFINITION OR ON A SPECIFIC PROHIBITION AGAINST FILLING OF DELIVERY DEVICES WHICH, ON DISCHARGE, WOULD RESULT IN CREATION OF A COMPOUND HAVING TOXICITY ABOVE THE PERMITTED THRESHOLD. TECHNICAL ASPECTS OF DEFINITIONS MIGHT BE ELABORATED IN AN ANNEX TO A TREATY WHICH COULD BE SUBJECT TO PERIODIC REVIEW AND REVISION BY AN INTERNATIONAL BODY.

11. NEXT PLENARY MEETING AUGUST 23, 1973.

DECONTROL AFTER AUG 21, 1974.

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Review Authority:** garlanwa  
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